

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

**Filed**  
**JUL 26 2012**  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION,

Petitioner,

v.

CITIZENS FOR BETTER SCHOOLS –  
MERAMEC VALLEY R-III,  
Campaign Committee

and

COLLEEN SWANSON,  
Treasurer

Respondents.

Case No. 11R145

**JOINT STIPULATION OF FACTS, WAIVER OF HEARING  
BEFORE THE MISSOURI ETHICS COMMISSION, AND  
CONSENT ORDER WITH JOINT PROPOSED  
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The undersigned parties jointly stipulation to the facts and conclusions of law set forth below.

The undersigned Respondents, Citizens for Better Schools-Meramec Valley R-III (“Citizens for Better Schools”) and Colleen Swanson, acknowledge that they have received and reviewed a copy of the Complaint filed by the Petitioner in this case, and the parties submit to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondents further acknowledge that they are aware of the various rights and privileges afforded by law, including but not limited to: the right to appear and be represented by counsel; the right to have all charges against Respondents be proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondents; the right to present evidence on Respondent's behalf at the

hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to Respondents by operation of law, the undersigned Respondents knowingly and voluntarily waive each and every one of these rights and freely enter into this Joint Stipulation of Facts before the Missouri Ethics Commission with Joint Proposed Findings of Fact and Conclusions of Law, and agree to abide by the terms of this document.

## **I.**

Based upon the foregoing, the Petitioner and the undersigned Respondents jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law, as follows:

### **JOINT PROPOSED FINDINGS OF FACT**

1. The Missouri Ethics Commission (“the Commission”) is an agency of the State of Missouri established pursuant to Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.
2. Respondent Citizens for Better Schools is a campaign committee formed for the purpose of supporting a ballot measure, “Proposition M,” in the April 6, 2010, election for the Meramec Valley R-III School District.
3. Respondents were required to file campaign finance reports with the appropriate officer, which in this case was the Franklin County Clerk’s office. § 130.011(1); § 130.026.1, RSMo.
4. Respondent Colleen Swanson is and was the committee’s treasurer at all relevant times.

5. Pursuant to Sections 130.056.2(8) and 105.959, RSMo, the Commission's staff has investigated the reports and statements filed with the Franklin County Clerk's office and reported the investigation's findings to the Commission.

6. Based on the report of the Commission's staff, the Commission determined that there are reasonable grounds to believe that violations of law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

### **COUNT I**

#### *Failure to timely file campaign finance disclosure reports*

7. Respondents failed to file the 8 day before report due on March 29, 2010.  
Respondents failed to file the April 2010 quarterly report due on April 15, 2010.
8. Respondents failed to file the 30 day after report due on May 6, 2010.
9. Respondents failed to file the July 2010 quarterly report due on July 15, 2010.
10. Respondents failed to file the October 2010 quarterly report due on October 15, 2010.
11. Respondents failed to file the January 2011 quarterly report due on January 17, 2011.
12. Respondent failed to file the April 2011 quarterly report due on April 15, 2011.
13. Respondents failed to file the July 2011 quarterly report due on July 15, 2011.
14. Respondents failed to file the October 2011 quarterly report due on October 17, 2011.
15. Respondents failed to file the January 2012 quarterly report due on January 16, 2012.

16. The Franklin County Clerk's office sent Respondents a letter on June 15, 2011, requesting that Respondents file all missing reports.

17. As a condition of entering this joint stipulation, Respondents have filed all required reports, including a termination statement.

## **COUNT II**

### *Failure to timely and accurately report campaign finance contributions*

18. Respondents failed to report the following contributions on any campaign finance disclosure report:

<b>Item Date</b>	<b>Posted Date</b>	<b>Contributor</b>	<b>Deposit Amount</b>	<b>Should have been on</b>
03/03/10	03/08/10	Pacific Indians Sports Club PO Box 392 Pacific, MO 63069	\$500.00	8 Day Before
03/02/10	03/08/10	Meramec Valley R-III School District DBA: Coleman Elementary-PTO 4536 Coleman Rd. Villa Ridge, MO 63039	\$300.00	8 Day Before
02/27/10	03/08/10	Nike School PTO 320 Hwy AP Catawissa, MO 63015	\$200.00	8 Day Before
03/12/10	03/12/10	Cash	\$76.00	8 Day Before
03/09/10	03/12/10	Cheryl B. Jackson 22 Coachman Ln. Villa Ridge, MO 63039	\$50.00	8 Day Before
03/11/10	03/12/10	Kevin & Dawn Dean 251 Northwoods Dr. Pacific, MO 63069	\$30.00	8 Day Before
03/11/10	03/12/10	Dwain S. & Debra J. Haley 1127 Lakewood Dr. Pacific, MO 63069	\$50.00	8 Day Before
03/10/10	03/12/10	Linda J. & Paul F. Broski 401 Red Bud Ct. Pacific, MO 63069	\$30.00	8 Day Before

<b>Item Date</b>	<b>Posted Date</b>	<b>Contributor</b>	<b>Deposit Amount</b>	<b>Should have been on</b>
03/09/10	03/12/10	Zitzman Elementary PTO 255 S. Indian Pride Drive Pacific, MO 63069	\$300.00	8 Day Before
03/09/10	03/12/10	Lynn M. Queensen 1896 Buckingham Chesterfield, MO 63017	\$20.00	8 Day Before
03/12/10	03/15/10	Harry S. Truman Elementary PTO 101 Indian Warpath Dr. Pacific, MO 63069	\$500.00	8 Day Before
03/12/10	03/15/10	Robertsville Elementary PTO 4000 Highway N Robertsville, MO 63072	\$325.00	8 Day Before
03/16/10	03/25/10	Pacific Band Boosters 425 Indian Warpath Pacific, MO 63069	\$200.00	8 Day Before
03/23/10	03/23/10	Cash	\$120.00	8 Day Before
03/18/10	03/23/10	Carol A Reichardt 2402 R C Ln. Pacific, MO 63069	\$10.00	8 Day Before
03/19/10	03/23/10	Stephanie & Jason Alcorn 3850 Hwy. T Labadie, MO 63055	\$10.00	8 Day Before
03/18/10	03/23/10	Todd J. & Joelle A. Karl 978 Woodland Hills Dr. Robertsville, MO 63072	\$10.00	8 Day Before
03/18/10	03/23/10	Gary J. or Greta L. Franklin 5910 Hartford St. Louis, MO 63139	\$50.00	8 Day Before
03/17/10	03/23/10	James & Ketina Armstrong 1809 Autumn Lake Pacific, MO 63069	\$50.00	8 Day Before
03/12/10	03/23/10	Victoria L. Walz 153 Shaw Dr. Eureka, MO 63025	\$50.00	8 Day Before
03/15/10	03/23/10	Linda L. Pahl 19068 Fox Lake Rd. Wildwood, MO 63069	\$50.00	8 Day Before
03/25/10	03/25/10	Cash	\$100.00	8 Day Before

Item Date	Posted Date	Contributor	Deposit Amount	Should have been on
04/08/10	04/08/10	Cash	\$40.00	30 Day After
		<b>TOTAL</b>	<b>\$3,071.00</b>	

19. Respondents accepted \$336 in cash contributions.

20. As a condition of entering this joint stipulation, Respondents have filed reports disclosing the contributions set forth at paragraphs 18 and 19 above.

### **COUNT III**

#### *Failure to timely and accurately report expenditures*

21. Respondents failed to report the following \$2,795.30 in expenditures, including the identity of the person to whom they were made:

Item Date	Posted Date	Check No.	Description	Check Amount	Reference Notes	Should have been on
03/08/10	03/15/10	4001	Marks Quick Printing	\$568.00	Signs	8 Day Before
03/13/10	03/22/10	4002	Marks Quick Printing	\$754.00	4x4 signs	8 Day Before
03/19/10	03/22/10	4004	Marks Quick Printing	\$283.82	Signs	8 Day Before
03/18/10	03/26/10	4003	Sandy Aehle	\$239.95	Postcards, painted & stamps	8 Day Before
03/24/10	03/26/10	4005	Sandy Aehle	\$446.66	Missourian ad	8 Day Before
03/27/10	03/30/10	4006	KSLQ	\$363.72	Radio spot ad	April Quarterly
04/07/10	04/19/10	4007	Sandy Aehle	\$10.00	Copies	30 Day After
04/08/10	04/19/10	4008	Marks Quick Printing	\$129.15	Taxes & thank you signs	30 Day After

			<b>TOTAL</b>	<b>\$2,795.30</b>		
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22. As a condition of entering this joint stipulation, Respondents have filed reports disclosing the expenditures set forth at paragraph 21 above.

#### **COUNT IV**

##### *Failure to timely terminate committee*

- 23. Respondents reported no committee debt.
- 24. Respondents were required to terminate on or before May 6, 2010.
- 25. The Franklin County Clerk's office sent Respondents a letter on June 15, 2011, requesting Respondents to file all missing reports.
- 26. Respondents did not timely file a committee termination statement.

#### **COUNT V**

##### *Failure to make committee records available for inspection*

- 27. On August 10, 2011, the Missouri Ethics Commission issued a subpoena to Respondent Swanson requesting committee records.
- 28. On August 29, 2011, Respondent Swanson had failed to respond to that subpoena, and the Missouri Ethics Commission sent a letter to Respondent Swanson notifying her of the failure to comply with the subpoena.
- 29. Respondent Swanson did not timely make committee records available for review by the Missouri Ethics Commission.

## JOINT PROPOSED CONCLUSIONS OF LAW

### COUNT I

#### *Failure to timely file campaign finance disclosure reports*

30. Respondents were required to file campaign finance disclosure reports at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any candidate or ballot measure; except that, a successful candidate who takes office prior to the twenty-fifth day after the election shall have complied with the report requirement of this subdivision if a disclosure report is filed by such candidate and any candidate committee under the candidate's control before such candidate takes office, and such report shall be for the period closing on the day before taking office; and

(3) Not later than the fifteenth day following the close of each calendar quarter.

Notwithstanding the provisions of this subsection, if any committee accepts contributions or makes expenditures in support



of or in opposition to a ballot measure or a candidate, and the report required by this subsection for the most recent calendar quarter is filed prior to the fortieth day before the election on the measure or candidate, the committee shall file an additional disclosure report not later than the fortieth day before the election for the period closing on the forty-fifth day before the election.

§ 130.046.1, RSMo.

31. There is probable cause to believe that Respondents CFBS and Swanson violated Section 130.046.1, RSMo, by failing to timely file ten campaign finance disclosure reports, and that Respondents CFBS and Swanson did so knowingly.

## **COUNT II**

### *Failure to timely and accurately report campaign finance contributions*

32. Respondents were required to file campaign finance disclosure reports that set forth receipts for the period, including the:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor. In addition, the candidate committee shall make a reasonable effort to obtain and report the employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received one or more contributions which in the aggregate total in excess of one hundred dollars and shall make a reasonable effort to obtain and report a description of any contractual relationship over five hundred dollars between the

contributor and the state if the candidate is seeking election to a state office or between the contributor and any political subdivision of the state if the candidate is seeking election to another political subdivision of the state;

(b) Total amount of all anonymous contributions accepted;

(c) Total amount of all monetary contributions received through fund-raising events or activities from participants whose names and addresses were not obtained with such contributions, with an attached statement or copy of the statement describing each fund-raising event as required in subsection 6 of section 130.031;

§ 130.041.1(3), RSMo.

33. “No contributions of cash in an amount more than one hundred dollars shall be ... accepted from any single contributor for any election by a ... campaign committee.”

§ 130.031.1, RSMo.

34. There is probable cause to believe that Respondents CFBS and Swanson violated Sections 130.041.1(3) and 130.031.1, RSMo, by failing to timely report \$3,071 in contributions, and that Respondents CFBS and Swanson did so knowingly.

### **COUNT III**

#### *Failure to timely and accurately report expenditures*

35. Respondents were required to file campaign finance disclosure reports that set forth expenditures for the period, including the:

(a) The total dollar amount of expenditures made by check drawn on the committee's depository;

- (b) The total dollar amount of expenditures made in cash;
- (c) The total dollar value of all in-kind expenditures made;
- (d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or incurred, together with the date, amount and purpose of each expenditure. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category, except that the report shall contain an itemized listing of each payment made to campaign workers by name, address, date, amount and purpose of each payment and the aggregate amount paid to each such worker;
- (e) A list of each loan made, by name and mailing address of the person receiving the loan, together with the amount, terms and date;

§ 130.041.1(4), RSMo.

36. There is probable cause to believe that Respondents CFBS and Swanson violated Section 130.041.1(4), RSMo, by failing to timely report \$2,795.30 in expenditures, and that Respondents CFBS and Swanson did so knowingly.

#### **COUNT IV**

##### *Failure to timely terminate committee*

37. A campaign committee “shall terminate the later of either thirty days after the general election or upon the satisfaction of all committee debt after the general election.”

§ 130.011(8), RSMo.

38. There is probable cause to believe that Respondents CFBS and Swanson violated Section 130.011(8), RSMo, by failing to timely file a committee termination statement, and that Respondents CFBS and Swanson did so knowingly.

#### **COUNT V**

##### *Failure to make committee records available for inspection*

39. “All records and accounts of receipts and expenditures shall be preserved for at least three years after the date of the election to which the records pertain. Records and accounts regarding supplemental disclosure reports or reports not required pursuant to an election shall be preserved for at least three years after the date of the report to which the records pertain. Such records shall be available for inspection by the campaign finance review board and its duly authorized representatives.” § 130.036.8, RSMo.

40. “Upon refusal by any person to comply with a request for information relevant to an investigation, an investigator may issue a subpoena for any person to appear and give testimony, or for a subpoena duces tecum to produce documentary or other evidence which the investigator deems relevant to a matter under the investigator's inquiry.”

§ 105.961.8(4), RSMo.

41. There is probable cause to believe that Respondent Swanson violated Sections 130.036.8 and 105.961.8(4), RSMo, by failing to timely make records and information related to

the campaign committee available for inspection by the Missouri Ethics Commission, and that Respondents CFBS and Swanson did so knowingly.

## II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. The parties to this Joint Stipulation understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.
2. The Commission shall issue its Consent Order in the form attached hereto as Exhibit A.
  - a. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
  - b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$5,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$500 of that fee within forty-five days after the date of the Order, the remainder of the fee will be stayed for two years, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
  - c. If either Respondent Swanson or Committee for Better Schools commits any further violation or violations of the campaign finance laws under Chapter 130, RSMo, during the two year stay, then both Respondents will be required to

pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondent has committed such a violation.

d. Respondents Swanson and Committee for Better Schools shall be jointly and severally liable for all fees imposed under this order.

3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

4. Respondents, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondents or Respondents' attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

RESPONDENT COLLEEN SWANSON

By: Colleen Swanson 7/16/12  
Colleen Swanson Date

PETITIONER

By: Julie A. Allen 7/26/12  
Julie A. Allen Date  
Executive Director

RESPONDENT CITIZENS FOR BETTER SCHOOLS

By: Colleen Swanson 7/16/12  
Colleen Swanson, Treasurer Date

By: Curtis R. Stokes 7/26/12  
Curtis R. Stokes Date  
Attorney for Petitioner

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

**Filed**  
**JUL 26 2012**  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
	)	Case No. 11R145
v.	)	
	)	
CITIZENS FOR BETTER SCHOOLS –	)	
MERAMEC VALLEY R-III,	)	
	)	
and	)	
	)	
COLLEEN SWANSON,	)	
	)	
Respondents.	)	

**CONSENT ORDER**

The parties having filed a Joint Stipulation of Facts, Waiver of Hearing before the Missouri Ethics Commission, and Consent Order with Proposed Findings of Fact and Conclusions of Law (“Joint Stipulation”) with the Missouri Ethics Commission in this matter, the Missouri Ethics Commission hereby accepts as true the facts stipulated and finds that Respondents Citizens for Better Schools – Meramec Valley R-III and Colleen Swanson violated Sections 130.046.1, 130.041.1(3), 130.031.1, 130.041.1(4), 130.011(8), 130.036.8 and 105.961.8(4), RSMo, as stated in the Joint Stipulation.

The Commission directs that all terms and orders of the Joint Stipulation be adopted herein and implemented.

- a. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
- b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$5,000, pursuant to Section 105.961.4(6),

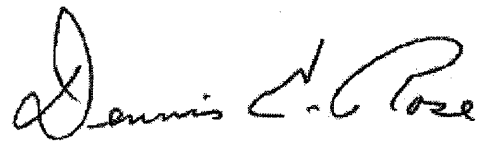
RSMo. However, if Respondents pay \$500 of that fee within forty-five days after the date of the Order, the remainder of the fee will be stayed for two years, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

c. If either Respondent Swanson or Committee for Better Schools commit any further violation or violations of the campaign finance laws under Chapter 130, RSMo, during the two year stay, then both Respondents will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondent has committed such a violation.

d. Respondents Swanson and Committee for Better Schools shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 26<sup>th</sup> day of July, 2012

By:

A handwritten signature in cursive script, reading "Dennis C. Rose". The signature is written in dark ink and is positioned above a horizontal line.

Dennis Rose